

VZCZCXRO7678  
OO RUEHWEB  
DE RUEHBUL #5888/01 3520946  
ZNY CCCCC ZZH  
O 180946Z DEC 06  
FM AMEMBASSY KABUL  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 4951  
INFO RUCNAFG/AFGHANISTAN COLLECTIVE  
RUEHZG/NATO EU COLLECTIVE  
RHEHAAA/NATIONAL SECURITY COUNCIL WASHINGTON DC  
RUEAIIA/CIA WASHINGTON DC  
RHEFDIA/DIA WASHINGTON DC  
RUEKJCS/OSD WASHINGTON DC  
RUEKJCS/SECDEF WASHINGTON DC  
RUEKJCS/JOINT STAFF WASHINGTON DC  
RHMFISS/HQ USCENTCOM MACDILL AFB FL  
RUMICEA/JICCENT MACDILL AFB FL  
RHMFISS/COMSOCCENT MACDILL AFB FL  
RUCNDT/USMISSION USUN NEW YORK 3424  
RUEHNO/USMISSION USNATO 3395

C O N F I D E N T I A L SECTION 01 OF 02 KABUL 005888

SIPDIS

SIPDIS

STATE FOR SCA/FO DAS GASTRIGHT, SCA/A, S/CRS, S/CT, EUR/RPM  
STATE PASS TO USAID FOR AID/ANE, AID/DCHA/DG  
NSC FOR AHARRIMAN  
OSD FOR KIMMITT  
CENTCOM FOR CFC-A, CG CJTF-76, POLAD

E.O. 12958: DECL: 12/17/2016

TAGS: [PGOV](#) [PREL](#) [KJUSAF](#) [AF](#)

SUBJECT: ATTORNEY GENERAL SABIT DISCUSSES CORRUPTION, RULE  
OF LAW WITH CODEL MCCAIN

KABUL 00005888 001.2 OF 002

Classified By: Ambassador Ronald Neumann, for reasons 1.4 (B), (D).

¶1. (C) Summary: The Ambassador and the Congressional delegation led by Senator John McCain met with Attorney General Sabit on the evening of December 15th. Sabit cited the absence of the Rule of Law in Afghanistan as the root of other key problems such as drugs, terrorism and corruption. Sabit noted that his visits to provinces with accompanying arrests are an attempt to spread the Rule of Law outside of Kabul. The delegation praised Sabit for his efforts but encouraged him to develop a strategic plan and prioritize his targets, since he lacks the resources to prosecute all offenders. Sabit wants to establish a separate special tribunal for corruption. Ambassador Neumann said the AG must form a common front with the Chief Justice on this issue or risk dividing the international community and weakening progress for reform. End Summary.

¶2. (U) Sabit cited as the key problem affecting Afghanistan the lack of Rule of Law (ROL), and said that establishing the ROL is the key to combating narcotics, corruption and terrorism. That is why he has been making his provincial visits (seven thus far) with investigating prosecutors, in order to "bring the ROL to the provinces." He talked about those visits and described them with relative degrees of success, ranging from very little (Mazar-e-Sharif) to more than 50 arrests resulting from his most recent trip to Nangahar, Konar and Laghman.

¶3. (C) Sabit cited a number of instances where the provincial governors had undermined his efforts, either because the governor himself was involved

in corruption or because he was protecting one of his political supporters. He expressed the desire for more support from President Karzai, but he now has more appreciation for Karzai's position than he did initially. Though he has requested the U.S. (via DEA), as well as units of the GOA, to provide him with targets for prosecution in the Criminal Joint Task Force (CJTF), he himself expressed a desire for starting with "soft targets." The Ambassador promised that he would give his support to Sabit in approaching Karzai for prosecution with the DEA-referred cases.

¶4. (U) Because of the corruption he has encountered in the provinces and among provincial judges, Sabit has been trying to get the Chief Justice to agree to a change in venue to Kabul for the most significant cases, where they can be more closely monitored. However, he says he can not do this in every case. (Note: Sabit informed the Embassy the following day that the Chief Justice had denied his attempt to change the venue of the cases filed in Nangahar Province. We are seeking the Chief Justice's views and caution against any immediate interpretation. End note.)

¶5. (C) For a number of reasons, including the change of venue problem, Sabit would like to establish an anti-corruption task force modeled after the CJTF, including a special court. He can do this without significant financial aid from the international community, but he feels that he needs the Ambassador's support in order to persuade Karzai to approve the proposal. The Ambassador made it clear that he is intrigued by the idea but wanted Sabit to discuss the matter

KABUL 00005888 002 OF 002

first with the Chief Justice. The Ambassador told Sabit that he and Chief Justice Azimi are the "two bright hopes" for judicial reform in Afghanistan and they must present a united front. Otherwise, the international community will divide between them and President Karzai will be caught in the middle. (Note: Sabit had previously proposed such a tribunal when he was an advisor in the MOI and Chief Justice Azimi was an advisor to Karzai. At the time, Azimi had opposed the idea. The proposal will also be discussed at a working lunch on December 17 with Sabit that will be hosted by the Italian Ambassador and include the U.S. and the U.K. Sabit constantly shops for international support for his ideas alone. While in some cases this is warranted, his desire to play the judicial reform game by himself will undercut his support if he and the Chief Justice can not agree.)

¶6. (C) If and when cases are brought against particularly hard targets, Sabit supported the idea of extraditing them to the U.S. or another country, which he thought would have a more deterrent impact on other offenders and would avoid any possibility of corruption that might arise with an Afghan prosecution, even in the Counter-Narcotics Tribunal.

¶7. (C) Sabit discussed the upcoming deadline of his demand for payment for land in the "thieves, district" (Sherpur) of Kabul, a large expanse of prime residential land from which the residents were pushed off and their houses demolished in 2003 in order to provide housing sites for government VIPs, including some who are now Ministers. While he had been confident of securing these payments just a few days earlier, Sabit cited increasing pressure being put on both

him and Karzai as the deadline approaches and as the landowners prepare to challenge his demands in the Supreme Court.

¶8. (U) Senator McCain and other members of the delegation expressed their strong support for Sabit and the work that he was doing. They emphasized the need for a comprehensive strategy and the prioritization of targets. Sabit noted the presence of a visiting U.S. Justice Department team that was here this week to assess the anti-corruption problem and that would be recommending measures to Sabit to combat it. Sabit said that his provincial visits would continue to be a key part of any strategy. He thanks the USG for the support it is providing in armored cars, training of his security personnel and the embedded INL and DOJ personnel.

¶9. (U) The Codel did not have the opportunity to clear this cable before departing Kabul.

NEUMANN